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HOUSE BILL 538

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO PUBLIC EMPLOYERS, INCLUDING STATE AGENCIES,
EDUCATIONAL INSTITUTIONS AND SCHOOLS; PROHIBITING THE AWARD OF
A "GOLDEN PARACHUTE" OR OTHER EXTRAORDINARY BENEFIT TO A PUBLIC
EMPLOYEE WHO RESIGNS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-9-21 NMSA 1978 (being Laws 1961,
Chapter 240, Section 15, as amended) is amended to read:

"10-9-21. PROHIBITED ACTS.--

A. No employer shall dismiss an employee for
failure or refusal to pay or promise to pay any assessment,
subscription or contribution to any political organization or
candidate; however, nothing contained in this section shall
prevent voluntary contributions to political organizations.

B. No person in the state personnel office or

underscored material = new
[bracketed material] = delete

1 employee in the service shall hold political office except for
2 a nonpartisan county or municipal office or be an officer of a
3 political organization during [~~his~~] employment. For the
4 purposes of the Personnel Act, being a local school board
5 member or an elected board member of any post-secondary
6 educational institution shall not be construed to be holding
7 political office and being an election official shall not be
8 construed to be either holding political office or being an
9 officer of a political organization. Nothing in the Personnel
10 Act shall deny employees the right to vote as they choose or to
11 express their opinions on political subjects and candidates.

12 C. Any employee who becomes a candidate for public
13 office shall, upon filing or accepting the nomination and
14 during the campaign, take a leave of absence. This subsection
15 does not apply to those employees of a grant-in-aid agency
16 whose political activities are governed by federal statute.

17 D. The director shall investigate any written
18 charge by any person that this section has been violated and
19 take whatever steps deemed necessary.

20 E. No person shall be refused the right of taking
21 an examination, from appointment to a position, from promotion
22 or from holding a position because of political or religious
23 opinions or affiliation or because of race or color.

24 F. No employee or probationer shall engage in
25 partisan political activity while on duty.

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underscoring material = new
[bracketed material] = delete

1 G. With respect to employees of federal grant-in-
2 aid agencies, the applicable personnel standards, regulations
3 and federal laws limiting activities shall apply and shall be
4 set forth in rules promulgated by the board.

5 H. An employer shall not pay and shall not enter
6 into or renew a contract to pay any compensation, perquisite or
7 allowance to an employee who resigns or is terminated for
8 cause; provided that the employment agreement in force at the
9 time of a resignation or termination for cause shall be
10 fulfilled as to salary, benefits and retirement due at the time
11 of the resignation or termination for cause."

12 Section 2. A new section of Chapter 21, Article 1 NMSA
13 1978 is enacted to read:

14 "[NEW MATERIAL] EXTRAORDINARY BENEFITS RESTRICTED.--A
15 state educational institution shall not pay any compensation,
16 perquisite or allowance to an employee who resigns, except for
17 the compensation, perquisite or allowance due under the
18 employment agreement made prior to the resignation."

19 Section 3. A new section of Chapter 22, Article 1 NMSA
20 1978 is enacted to read:

21 "[NEW MATERIAL] EXTRAORDINARY BENEFITS RESTRICTED.--A
22 state agency shall not pay any compensation, perquisite or
23 allowance to an employee who resigns, except for the
24 compensation, perquisite or allowance due under the employment
25 agreement made prior to the resignation."

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